

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #115

Policy Title: VICTIM RIGHTS	Effective Date: September 13, 2019	Policy #115
	Supersedes: July 06, 2017	

PURPOSE:

This policy is established to ensure that all employees and Board members within the Board of Executive Clemency recognize the rights of victims and are knowledgeable of the statutory requirements applicable to the Board which affect victim(s) and officials.

AUTHORITY:

A.R.S. §31-402
A.R.S. §31-411
A.R.S. §31-412
A.R.S. §13-4414
A.R.S. Title 13 Chapter 40

PROCEDURE:

115.1 Arizona Constitution-Victim Bill of Rights

- 1.1 The Arizona Constitution Victim Bill of Rights preserves and protects victims' rights to justice and due process. The Board recognizes a victim of crime has a right to be recognized throughout the criminal justice system process with:
 - a. fairness, respect, and dignity, and
 - b. to be free from intimidation, harassment, or abuse, throughout the criminal justice process.

- 1.2 The Board shall recognize and honor the rights of all who are a direct victim or survivor of a victim relating to a matter before the Board. The Board values all victim and survivor input and they are given the right to provide input at any hearing.
 - 1.2.1 It is recognized by the Board that for a variety of reasons, a victim may not personally appear before the Board members and as such the Board allows for victims to participate by:

- a. phone;
- b. representation by victim advocate and/or attorney;
- c. prerecorded message, and/or
- d. written statement.

1.3 A victim(s) lack of presence or input during a hearing should never lessen the recognition and consideration of the victim(s) and/or the nature of the crime.

115.2 Notification

2.1 Victims have the right to be notified and heard at any proceeding where the Board is considering a post-conviction release from confinement. A victim must be notified at least fifteen days before the hearing. This includes:

- a. parole;
- b. absolute discharge;
- c. home arrest;
- d. work furlough
- e. commutation of sentence, and
- f. pardons, if the applicant is incarcerated.

2.2 The Arizona Department of Corrections (ADC) operates a victim notification system that allows victims or family members of the victim of a crime to register for notification of an inmates release, escape or death. The Board of Executive Clemency shall use this system to identify those individuals (known as victims herein) registered for notification of hearings.

2.2 In accordance with A.R.S. 31-411, when a commutation, absolute discharge from imprisonment or parole is to be considered, the Board, on request and before holding a hearing shall notify the attorney general, the presiding judge of the superior court, the county attorney for which the inmate is requesting a commutation, absolute discharge from imprisonment or parole was sentenced, and the victim of the offense for which the inmate is incarcerated.

2.2.1 Notification requirements to officials as listed shall not apply:

- a. when there is imminent danger of the death of the person convicted or imprisoned
- b. when the term of imprisonment of the applicant is within two hundred ten days of expiration.

2.3 The Executive Director shall designate a staff member to act as the Victim Notification Coordinator.

2.4 No hearing concerning commutations, absolute discharge from imprisonment or parole shall be held until fifteen days after the date of giving the notice.

2.4.1 Upon scheduling a hearing, the Board's Victim Notification Coordinator

shall obtain the victim notices from the ADC's Automated Information Management System (AIMS) and create for mailing the Board's official notifications to the victim(s) and officials.

2.4.2 If a telephone number is provided in the victim information, the Victim Notification Coordinator shall also contact the victim (s) by telephone to:

- a. provide of the hearing information;
- b. provide information about the hearing process; and
- c. inform them about ADC's Office of Victim Services and provide a phone number, if requested.

2.5 The Victim Notification Coordinator will inform ADC's Victim Services, in writing, regarding any knowledge of a victim's participation at a scheduled Board hearing.

2.5.1 The Victim Notification Coordinator shall document any contact made with Victim(s) and ADC Victim Services using the designated case notes form.

2.4.1.1 The case notes form shall be maintained in the Board's inmate file.

2.5.2 The Victim Notification Coordinator shall place in writing the name and contact information of any victim (s) and/or official who has requested to be contacted by telephone and ensure the information has been provided to Board members prior to the hearing.

2.6 The Victim Notification Coordinator or designee shall notify ADC Victim Services of any scheduled hearing that is cancelled and/or rescheduled to coordinate the notification of schedule changes to victim(s).

2.7 A victim shall be informed in writing within fifteen days after a hearing of the hearing outcome.

115.3 Public Records

3.1 A victim(s) address is confidential and shall not be released to any party.

3.1.1 Staff shall ensure that all victim(s) addresses are confidential and not displayed on public records to be released and/or reviewed by other interested parties.

3.2 Direct victims of the crime submitting a public records request to the Board shall be exempt from a fee charge.

IMPLEMENTATION

This policy was adopted by the Arizona Board of Executive Clemency in accordance with

law.